

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA**

STEWART ABRAMSON, individually and on
behalf of a class of all persons and entities
similarly situated,

Plaintiff

vs.

AGENTRA, LLC

Defendant.

Case No. 18-cv-615-RCM

**PLAINTIFF’S SECOND MOTION TO COMPEL
AGENTRA, LLC TO PROVIDE DISCOVERY RESPONSES**

Agentra, LLC (“Agentra”) provides insurance services to consumers. To do so, it relies on telemarketing using its agents and their third-party vendors. Plaintiff alleges that Agentra, through one of their agent and vendors, contacted him and a putative class of individuals he seeks to represent using a pre-recorded message on behalf of Agentra in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, (“TCPA”). In fact, as outlined in the Plaintiff’s recently filed Motion to Amend his Complaint, Agentra has continued, through its agents, to engage the services of vendors sending pre-recorded telemarketing calls despite the pendency of this lawsuit. *See* ECF No. 50 and 50-1.

As outlined in a prior motion, the parties conducted their Fed. R. Civ. P. 26(f) conference on January 8, 2019. That same day, the Plaintiff served his first set of discovery on Agentra propounding requests related to class member identity, vicarious liability and damages. Agentra did not respond to the discovery requests or seek an extension. Counsel for the Plaintiff then filed a motion to compel. *See* ECF No. 45. Agentra then reached out to the Plaintiff and the

parties entered a Stipulation where Agentra claimed it would “serve on or before March 28, 2019 its complete document production in response to Plaintiff’s initial requests for production and interrogatories”. *See* ECF No. 46. The Stipulation further states that in exchange for a production to be completed by March 28, 2019, the “Plaintiff hereby withdraws its Motion to Compel (Dkt. 45, filed March 7, 2019) but without prejudice to refile and without waiving any remedies related thereto as available under the Federal Rules of Civil Procedure and applicable law.” *Id.*

Unfortunately, Agentra has not completed its production. The Plaintiff attempted to confer with Agentra via telephone and e-mail regarding this issue on March 29, April 2, April 4, and April 8, 2019, but has not received the supplement or a response (other than on the March 29 communication, where Agentra said it would complete its supplement by March 31 – which it did not). In compliance with LCvR 37.2, the discovery requests and responses are attached as Exhibit 1.

CONCLUSION

For the foregoing reasons, Plaintiff respectfully request his motion to compel be granted and Agentra be ordered to provide all responsive documents within 7 days. A proposed Order is attached as Exhibit 2.

Plaintiff by his attorneys,

/s/ Anthony I. Paronich

Anthony I. Paronich

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Dated: April 9, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2019, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system.

/s/ Anthony I. Paronich
Anthony I. Paronich